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10/529,577

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EXAMINER

NOORISTANY, SULAIMAN

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|---------------------------------|---------------------------------|--|
| Office Action Summary | Application No. 10/529,577 | Applicant(s) LEPPANEN ET AL. | |
| | Examiner Sulaiman Nooristany | Art Unit 2109 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>03/30/2005</u> , <u>10/17/06</u> | 6) <input type="checkbox"/> Other: ____. |

Detailed Action

This Office Action is response to the application (10/529577) filed on 30, March 2005.

Title Objection

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Drawings

The drawings are objected to because the unlabeled rectangular box(es) shown in the drawings should be provided with descriptive text labels (figures 4 and 5). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent; or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, *except* that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English.

Claims 1-9, 11-12, 16, 20-25 are rejected under 35 U.S.C. 102(e) as being anticipated by **Mathis**. U.S Patent No. **US 6,993,327**.

Regarding claim 1, 21, 23 and 24, Mathis teaches wherein “A communication system comprising [a system, method and network (110) for multicast distribution of presence information to a plurality of communication devices (Abstract, lines 1-3)]: a least one user with which presence information is associated, said presence information comprising a plurality of parts, at least one of said parts comprising information identifying an application for which said at least one part is intended [A contact list (122, 124, 126, 128), associated with each communication device, identifies one or more of the other communication devices (Abstract, Fig. 1, unit (102, 104, 106, 108))], and at least one entity to which presence information associated with said at least one user is provided, said at least one entity having at least one entity

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application [Fig. 1, user A-D, unit (102, 104, 106, 108)], said at least one entity being arranged to use said information to obtain the at least one part intended for said at least one entity application [a presence service that distributes information on user status (Col. 2, lines 50-51), Each client device 102, 104, 106, 108 includes a contact list 122, 124, 126, 128 (a.k.a. a buddy list) that is capable of identifying one or more of the other client devices connected to the communication network 110 (Col. 3, lines 42-45)].

Regarding claim 2, Mathis teaches wherein “said at least one entity comprises means for receiving said at least one part of said information” [A portion of the plurality of communication devices receives the multicast messages identified by the one or more multicast addresses and extracts the presence information (Col. 2, lines 5-8)].

Regarding claim 3, Mathis teaches wherein “said entity comprises means for directing said at least one part of said information to the identified entity application” [The multicast messages include presence information about the group of multicast devices and are directed to devices that desire the presence information about the group of multicast devices (Col. 2, lines 25-29)].

Regarding claim 4, Mathis teaches, wherein “said directing means comprises an application engine” [The client devices 102, 104, 106, 108 and the server 112 each include a processor for general operation of the server and a memory for storage of

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applications and data (Col. 3, lines 23-26)].

Regarding claim 5, Mathis teaches wherein "said entity is a user"[the four client devices 102, 104, 106, 108 are labeled User A, User B, User C, and User D respectively (Col. 3, lines 28-29)].

Regarding claim 6, Mathis teaches wherein "said entity receives said at least one part of said information in response to a request from entity" [a presence service that distributes information on user status, and a transmission service that transmits a message to a particular user (Col. 2, lines 50-52)].

Regarding claim 7, Mathis teaches wherein "said at least one user comprises at least one application [the four client devices 102, 104, 106, 108 are labeled User A, User B, User C, and User D respectively (Col. 3, lines 28-29)].

Regarding claim 8, Mathis teaches wherein "the at least one user comprises a presence engine" [A user may connect to an IM server to establish and download presence information and, then, uses a Short Messaging Service ("SMS") to exchange messages (Col. 2, lines 62-65)].

Regarding claim 9, Mathis teaches wherein "said at least one application is arranged to register with said presence engine said information identifying said application" [Each client device

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102, 104, 106, 108 includes a contact list 122, 124, 126, 128 (a.k.a. a buddy list) that is capable of identifying one or more of the other client devices connected to the communication network 110 (Col. 3, lines 42-45), A user may connect to an IM server to establish and download presence information and, then, uses a Short Messaging Service ("SMS") to exchange messages (Col. 2, lines 62-65)].

Regarding claim 10, Mathis teaches wherein "at least one of said at least one application and said presence engine is arranged to add said identifying information to at least one part." [Since claim 10 has similar limitation of claims 8 and 9; therefore, it rejected under the same rational as in claims 8 and 9].

Regarding claim 11, Mathis teaches wherein "said users comprise user equipment" [Fig. 1, unit (102, 104, 106, 108)]

Regarding claim 12, Mathis teaches wherein "said presence information comprises at least one of the following parts of information: Subscriber status; Network status; communication means; Contact address, Subscriber provided location; Network provided location; text; priority; mood, favorite color" [a presence service that distributes information on user status (Col. 2, lines 50-51), network provides one or more multicast addresses (Abstract), presence status of other users connected to the communication network..... presence information such as online status (e.g., available to communicate), off-line status (e.g., unavailable), location attribute & capabilities, device attributes & capabilities, communication network attributes & capabilities (e.g., network

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resource availability (Col. 3, lines 64-67, Col. 4, lines 1-9)].

Regarding claim 16, Mathis teaches wherein “said entity is arranged to request only one or more parts of said presence information processed by one or more applications of said entity” [a presence service that distributes information on user status, and a transmission service that transmits a message to a particular user (Col. 2, lines 50-52), presence status of other users connected to the communication network (Col. 3, lines 64-66)].

Regarding claims 20, 22 and 25, Mathis teaches wherein “said entity application being arranged to process the at least one part of the presence information which comprises information identifying said entity application” [a presence service that distributes information on user status (Col. 2, lines 50-51), Each client device 102, 104, 106, 108 includes a contact list 122, 124, 126, 128 (a.k.a. a buddy list) that is capable of identifying one or more of the other client devices connected to the communication network 110 (Col. 3, lines 42-45)].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a), which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 13-15 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Mathis U.S Patent No. US 6,93,327** in view of **Petrovykh U.S Patent No. US 6,822,945**.

Regarding claim 13, Mathis teaches all the features of the instant claimed invention except for the specific detail of wherein “the system operates in accordance with a session initiation protocol (SIP).

Petrovykh teaches that is well known to have “the system operated in accordance with a session initiation protocol (SIP)” [signaling may be sent over the IM protocol, although typically, the other media will provide their own protocol, which will be used respectively, such as H.323 or SIP for IPNT (Col. 18, lines 62-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mathis’s invention by utilizing the Session Initiation Protocol (SIP) which is an application-layer control (signaling) protocol for creating, modifying, and terminating sessions with one or more participants. These sessions include Internet telephone calls, multimedia distribution, and multimedia conferences as taught by Petrovykh.

Regarding claim 14, Mathis teaches the system-according claim 1, as described above [See above rejection] except for the specific detail of wherein “*said part of information comprises a tuple.*”

Petrovykh teaches that is well known to have wherein “said part of information comprises a tuple” [a data store for storing presence information tuples (Col. 4, lines 16-17, Fig.

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11, unit 1107). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mathis's invention by disclosing a tuple, which means by implementing a tuple in the system, it maps the field names to a certain value in database. It's disclosed further that tuples quickly process the waiting events as taught by Petrovykh (col. 4, lines 47-54).

Regarding claim 15, Mathis together with Petrovykh taught the system-according claim 14, as described above. Mathis further teaches wherein ***“information identifying said user and said application identifying information”*** [Each client device 102, 104, 106, 108 includes a contact list 122, 124, 126, 128 (a.k.a. a buddy list) that is capable of identifying one or more of the other client devices connected to the communication network 110 (Col. 3, lines 42-45)].

Regarding claims 17 and 19, Mathis teaches the system according claim 1, as described above [See above rejection] except for the specific detail of wherein ***“filtering means are provided for providing only the requested parts of said presence information.”***

Petrovykh teaches that is well known to have wherein “filtering means are provided for providing only the requested parts of said presence information” [the enhanced with a filtering capability of filtering status information that closely matches a user request (Col. 11, lines 1-3)]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mathis's invention by disclosing filtering, which can be installed by the user, either as separate programs, or as part of their e-mail client. It's disclosed further, in e-mail programs, users can make personal, manual filters that then automatically filter mail according to the

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chosen criteria as taught by Petrovykh.

Regarding claim 18, Mathis together with Petrovykh taught the system-according claim 17, as described above [See above rejection]. Petrovykh further teaches wherein “said filtering means are provided in at least one of a server; *a presence server and said at least one user*” [presence server analogous to Web server of FIG. 1 receives the request sent by the user of step 83 (Col. 13, lines 8-10)].

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USPatent 6,885,861 to Koskelainen, Petri.

USPatent 7,054,952 to Schwerdtfeger et al.

USPatent 7,020,480 to Coskun et al.


USPatent 6,668,167 to McDowell et al..

US.Patent App. 2003/0073440to Mukherjee et al.

USPatent App. 2002/0147000 to Holmes-Kinsella, David A.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sulaiman Nooristany whose telephone number is (571) 270-1929. The examiner can normally be reached on M-F from 9 to 5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Pwu, can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sulaiman Nooristany 6/27/2007


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TC 2100